

A proposal to recodify statutes relating to the management of department administered uplands

The state Department of Natural Resources (DNR) manages more than 5 million acres of state-owned forest, range, commercial, agricultural and aquatic lands. Through the two major components of its mission, the department provides long-term stewardship for a wealth of natural resources. First, in its proprietary role as a state lands resource management agency, DNR generates revenue to support schools, universities, prisons, mental hospitals, local services, Capitol buildings, and the state general fund. Second, in its regulatory role as a resource protection agency, DNR promotes wildfire prevention, fights wildfires, regulates timber harvesting and other forestry activities on private and state-owned lands, helps citizens prepare for earthquakes and other natural disasters, regulates mining, and conserves some of our highest quality remnants of the state's outstanding natural heritage.

The Department of Natural Resources was established by the legislature in 1957 combining the public land responsibilities of seven state agencies under the Commissioner of Public Lands. Much of the law that governs the land management activities of DNR, however, dates back to the Public Lands Act of 1927 and before. Of the 400 sections of law dealing with management of DNR administered uplands in the 17 chapters of Title 79 of the Revised Code of Washington (RCW) entitled Public Lands, over 160 are in one chapter (79.01, Public Lands Act). Over the years, this chapter has become a poorly organized collection of unrelated, not necessarily general, laws. Additionally, there are about 50 uplands management related sections in Title 76 RCW, Forest and Forest Products, which is primarily made up of regulatory law.

The department recognizes that a comprehensive overhaul of our governing statutes is huge task, but critical to the ability to provide professional, forward-looking stewardship of our state lands, natural resources, and environment. Our long term goal is to bring the statutes that govern DNR managed public lands into the 21st century by revising outdated language and practices that hamper the effective and efficient management of forest and land resources.

Recodification of existing statutes governing upland management has been selected as a logical first step; one that can be accomplished within available resources and one that will make future actual revisions in law easier. This Phase I effort will focus on organizational and upland management statutes in Chapters 43.12, Commissioner of Public Lands, 43.30, Department of Natural Resources, 76.12, Reforestation, and Title 79 RCW. We will:

- Reorganize and rewrite sections to significantly improve clarity,
- Maintain existing Legislative intent, and
- Bring a recommendation, in bill form, to the 2003 Legislature.

“Reorganization” will primarily be moving sections from one location to another. For instance, sections on state forest lands, currently in Chapter 76.12, will end up in a new chapter in Title 79. “Rewriting” will primarily be combining sections (such as grouping definitions all in one place) and dividing statutes up into two or more sections to achieve the “one subject per section” objective.

Phase I excludes a review of aquatic lands statutes and statutes related to DNR's regulatory responsibilities. The objectives of this initial phase are to:

1. Consolidate, under Title 79 RCW, all sections that deal with the management of uplands belonging to or held in trust by the state and administered by DNR; move regulatory sections out of Title 79 to Title 76.
2. Create individual RCW chapters limited to one major subject, e.g. land management policies, land sales, land leases, sale of valuable materials, etc.
3. Limit RCW sections to one subject, logically grouped into subchapters, within chapters.
4. Consolidate sections relating to overall responsibilities of the Commissioner and department into appropriate chapters in Title 43, State Government--Executive.
5. Group fund related statutes in chapters 79.64, Funds for Managing and Administering Lands, (trust funds) and 43.30 (other funds), and
6. Make technical changes (such as gender amendments and grouping together of commonly used definitions).